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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
SALOMON, PHENUEL S	

ART UNIT	PAPER NUMBER
2178	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/717,195	NEED ET AL.	
	Examiner	Art Unit	
	Phenuel S. Salomon	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 May 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,6 and 11-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,6 and 11-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *5/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the amendment file on, May 25, 2007.

2. Claims 1, 11 and 13 are amended, claims 4-5, 7-10 and 16 are cancelled and claims 1-3, 6, and 11-15 are pending.

3. The previous objections to the disclosure have been withdrawn due to the fact that the applicant positively addressed the issues.

4. The previous rejection of claim 16 under 37 CFR 1.75(c) as being of improper dependent form has been withdrawn due to the fact that applicant has cancelled the claim.

5. The rejection of claims 7-10 under 35 U.S.C. §101 as directed to non statutory subject matter has been withdrawn due to the fact that applicant has cancelled those claims.

6. The rejection of claims 1-16 under 35 U.S.C. §102 (b) as being anticipated by Donnelly *et al.* (US 5,892,512) has been withdrawn as pursuant to the applicant's argument.

Information Disclosure Statement

7. The information disclosure statement (IDS) submitted on 5/1/07 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-3, 6 and 13 are rejected under 35 U.S.C. 103 (a) as being anticipated by Donnelly (US 5,892,512) in view of Nakajima et al. (US 6,008,806).

Claim 1: Donnelly discloses a commanding system for a computer, comprising:

a memory storing a binding table (fig. 3a, accelerator table 270) that connects input to associated action, at least one binding entry in the binding table including a command binding (identifier)that identifies an input sequence from an input device that is received to be acted upon (col. 3, lines 59-67 and col. 4, lines 1-11), a command (action object) that identifies an intent of the input sequence (col. 3, lines 59-67 and col. 4, lines 1-11), a command handler (fig. 3a, item 200) that is a pointer to a portion of code that is executed to implement the action that is to be performed based upon the input sequence (col. 9, lines 62-67 and col. 10, lines 1-9), and

a processor in data communication with the memory, the processor programmed to:

query each binding entry in the binding (lookup) table (col. 13, lines 3-19);

receive the interface binding associated with the binding (col. 13, lines 3-19); and;

automatically build a menu based on the interface binding (col. 10, lines 56-67 and col. 11, lines 1-7) [Donnelly's computer automatically executes the menu building action since there's no user input or action],

But Donnelly does not explicitly discloses:

that such interface binding identifies a menu position on a menu.

However, Nakajima discloses a menu function that identifies menu items to a specified menu and location (col. 8, lines66-67 and col. 9, lines 1-3). Therefore, it would have been obvious to one having ordinary skill

in the art at the time the invention was made to incorporate the idea of identifying a menu position on a menu in Donnelly as evidenced by Nakajima. One would have been motivated to do so in order to group similar menu items or items that used in the same functional environment to a specific location on the menu bar, thus, easing up the task of the user while using different applications.

Claim 2: Donnelly and Nakajima disclose a system as in claim 1 above, Donnelly further discloses the interface binding identifies an image (visual views) to be used on a toolbar (col. 7, lines 29-39).

Claim 3: Donnelly and Nakajima disclose a system as in claim 2 above, Donnelly further discloses the processor is further programmed to build a toolbar based on the interface binding. (col. 6, lines 13-23).

Claim 6: Donnelly and Nakajima disclose a system as in claim 1 above, Donnelly further discloses the memory includes a plurality of commanding elements with associated binding tables, and wherein the processor is programmed to traverse each binding entry in each of the binding tables of the commanding elements to generate the command interface (col. 5, lines 34-43, 59-67 and col. 6, lines 3-12).

Claim 13: Donnelly discloses the method as in claim 11 below, but does not explicitly discloses the step of building the commanding interface further comprises:

identifying a menu position based on the interface binding; and

positioning a menu item in the menu position. However, Nakajima discloses a menu function that identifies menu items to a specified menu and location (col. 8, lines66-67 and col. 9, lines 1-3). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate menu position in Donnelly. One would have been motivated to do so in order to group similar

menu items or items that used in the same functional environment to a specific location on the menu bar, thus, easing up the task of the user while using different applications.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(b) that form the basis for the rejections under this section made in this Office action:

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims are rejected under 35 U.S.C. 102(b) as being anticipated by Donnelly (US 5,892,512).

Claim 11: Donnelly discloses a method for commanding a computer system, comprising:

receiving a request to dynamically create a commanding interface (col. 13, lines 3-19);

querying a binding table, the binding table including a plurality of binding entries, at least one binding entry of the plurality of bindings entries including a command binding (identifier), a command (action object), a handler (fig 3a, item 200), and an interface binding (col. 3, lines 59-67 and col. 4, lines 1-11); and

automatically building the commanding interface based on the interface binding provided for the binding entry (col. 13, lines 3-19) [a computer is considered to automatically build the commanding interface].

Claim 12: Donnelly discloses the method as in claim 11 above, wherein the step of building the commanding interface further comprises:

identifying an image button associated based on the interface binding (col. 7, lines 29-39); and

creating a toolbar using the image button (fig. 5b).

Claim 14: Donnelly discloses the method as in claim 11 above, wherein the binding table is a first binding table, and wherein the method further comprises:

querying a second binding table, the second binding table including a plurality of second binding entries, at least one second binding entry of the plurality of second binding entries including a second command binding, a second command, a second handler, and a second interface binding (col.13, lines 3-19); and

building the command interface based on the second interface binding (col. 13, lines 3-19.

Claim 15: Donnelly discloses the method as in claim 14 above, further comprising bubbling up through all tables of bindings associated with a given node to build the command interface (col. 13, lines 3-8) [traversing all the tables in order to build the command is inherent]

Response to Arguments

10. Applicant's arguments filed on 03/26/2007 have been fully considered but they are not persuasive. In response to the Non-Final Office Action dated 01/25/2007, applicant argues:

With respect to Claims 1-3 and 6:

Donnelly fails to disclose a binding table including both (i) a command handler that is a pointer to a portion of code that is executed to implement the action that is to be performed based upon the input sequence, and (ii) an interface binding that identifies a menu position on a menu, as required by claim 1. In Donnelly, separate tables are used to house such information.

In response to Applicant's argument that Donnelly discloses separate tables as opposed to only one table in Applicant claimed limitation. The Examiner recognizes that although Donnelly discloses several tables, the functionality between the reference and the claimed invention is the same. Applicant has not

demonstrated that using two tables as opposed to one would be somewhat detrimental to the invention. Applicant simply argues that it would be disadvantageous. Donnelly discloses that the standard collective view of the accelerator table 270 is constructed from a menu definition" (see col. 13, lines 1-2). One skilled in the art could have easily integrated those tables into one as claimed. Thus, in view of such, the Donnelly reference does read on the claimed limitation.

With respect to claims 11-15:

Donnelly fails to disclose a table including both a handler and an interface binding, as required by claim 11. Instead, Donnelly requires separate tables to be formed to hold such information, which can be inefficient.

In response, examiner respectfully disagrees and notes that Donnelly discloses the concept of the claimed invention (see claim 1 rejection above). Donnelly further discloses separate tables as opposed to only one table in Applicant claimed limitation. The Examiner recognizes that although Donnelly discloses several tables, the functionality between the reference and the claimed invention is the same. Applicant has not demonstrated that using two tables as opposed to one would be somewhat detrimental to the invention. Applicant simply argues that it would be disadvantageous. Donnelly discloses that the standard collective view of the accelerator table 270 is constructed from a menu definition" (see col. 13, lines 1-2). One skilled in the art could have easily integrated those tables into one as claimed. Thus, in view of such, the Donnelly reference does read on the claimed limitation.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Marcos et al. (US 6,429,880 B2) discloses method and apparatus for binding user interface objects to application objects.

b. Johnson (US 6,246,405 B1) discloses method and apparatus for managing a plurality of objects on a graphical user interface.

c. Goodisman (US 6,330,006 B1) discloses method and apparatus for synchronizing an application's interface and data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phenuel S. Salomon whose telephone number is (571) 270-1699. The examiner can normally be reached on Mon-Fri 7:00 A.M. to 4:00 P.M.(Alternate Friday Off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PSS
7/26/2007

Stephen Hong
Supervisory Primary Examiner